

FREDERICK COUNTY PLANNING COMMISSION

September 13, 2017

TITLE: Brien Place

FILE NUMBER: SP-16-08, AP# 17521 (APFO# 17522;
FRO# 17523/16921)

REQUEST: **Combined Preliminary/Site Plan Approval**
The Applicant is requesting Combined Preliminary/Site Development Plan approval to subdivide the existing 0.82 acre Village Center parcel into four residential lots, including the development of three townhouse lots.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the east side of Urbana Pike adjacent to, and south of, the Villages of Urbana PUD
TAX MAP/PARCEL: TM 96; Parcels 157 & 158
COMP. PLAN: Village Center (VC)
ZONING: Village Center (VC)
PLANNING REGION: Urbana
WATER/SEWER: W-4; S-4 (P.157) W-1; S-1 (P. 158)

APPLICANT/REPRESENTATIVES:

APPLICANT: Monocacy Land Company LLC
OWNER: Monocacy Land Company LLC; Natelli Holdings II LLC
ENGINEER: Rodgers Consulting
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Site Plan Rendering
EXHIBIT 2- Proposed Buildings – 3D Illustration
EXHIBIT 3- Modification Letter - Alternate Landscape Design

STAFF REPORT

Development Request

The Applicant is requesting Preliminary Subdivision/Site Development Plan approval for a residential development consisting of 1 existing single-family dwelling (currently used as a business office for the Villages of Urbana PUD) and 3 proposed townhouses on a 0.82-acre site. The proposed plan includes:

Plan Details:

- **Proposed Lots 1-3** (Parcel 157) - Construction of a three-unit block of 2&1/2-story townhouses (each unit is 22 ft. wide; 32 ft. in height) on individual lots of 5,072 s.f., 3,953 s.f., and 5,198 s.f.
- **Proposed Lot 4** (Parcel 158) - Existing 1-story structure (gross floor area of 2,878 s.f.); single-family dwelling currently being used as the field office for the Villages of Urbana PUD
- **Frontage Improvements** – Planned improvements along the frontage of Parcel 158 to include narrowing of street section, installation of curb & gutter, provisions for on-street parallel parking spaces, and construction of 5 ft.-wide sidewalks.

The proposed land use for Lots 1-3 would be categorized as 'townhouse', while the plan makes note of the existing single family structure per §1-19-5.310 Use Table in the Zoning Ordinance. All proposed uses are principal permitted uses in the VC Zoning District. The townhouse use is subject to Site Development Plan approval.

BACKGROUND

Development History

The Planning Commission granted Concept Plan approval for this site in November 2016 (SP 16-08; AP#16656). The concept plan established setbacks, the proposed uses, and provided evidence of how the proposed plan would meet the Village Center Design requirements.

The Applicant has utilized the single-family home at 3501 Urbana Pike (Parcel 158) as a business office for the Villages of Urbana PUD project since the late 1990's. A small 19th-century home occupied the previous Parcel 157 (3505 Urbana Pike) but was demolished prior to 2011.

An Addition Plat to combine Parcels 157 & 158 (forming a larger Parcel 158) was submitted in May 2017 in order to document the Applicant's ability to achieve the residential density proposed in this application. The Addition Plat will combine the parcels which will then be re-subdivided into 4 lots (3 townhouse lots and one single family residential lot). Recordation of the Addition Plat must occur prior to the final approval of the Combined Preliminary/Site Plan.

Existing Site Characteristics

The Site is currently occupied by one older home (late-19th century), a paved parking area for approximately 8 vehicles, a single driveway access onto Urbana Pike, and several trees (at least one of which is a specimen tree). This section of Urbana Pike remains a state roadway with Collector status as shown on the County Comprehensive Highway Plan, though the road will be conveyed to the County within three years. The land is relatively flat with a small number of small trees and shrubs along the northern property boundary (facing Brien Alley). The property is currently served by an existing well and septic system which would be abandoned under this proposal in favor of the extension of nearby public water and sewer lines to the site.

The total area of the combined parcel – zoned Village Center (VC) - is approximately 0.82 acres (see Figure 1 below).

Construction of frontage improvements is currently underway as part of a comprehensive reconstruction of this portion of Urbana Pike.



Figure 1- General aerial view showing site

Surrounding land uses include: The Villages of Urbana PUD on the northern edge of the Site, single-family residential uses along Urbana Pike (east and west sides), a church, and several small retail and office uses within a few hundred feet of the subject Site. A new townhouse community, Worthington Square, is under construction across Urbana Pike.



Figure 2 - Rendering of proposed plan for the site showing surrounding architecture as well as proposed buildings.

ANALYSIS

Summary of Development Standards Findings and Conclusions

Site Development §1-19-7.500 : *All new development within the Village Center Zoning district shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance; The Planning Commission shall consider these standards in its review of all development within the Village Center Zoning District.*

Site Development and Layout §1-19-7.500(C)(3) & Building Massing and Bulk §1-19-7.500(C)(4)

Form and Layout

The Applicant proposes to develop three new townhouse structures on the Site, situated west of the existing SFD which is slated to remain as part of the redevelopment of this parcel (See Figure 2 above). The three townhouse units (1,936 s.f. each) will face Urbana Pike but will gain vehicular access via their rear property lines from Brien Alley, a small lane constructed to serve residences in the PUD. The existing entrance driveway, located on the proposed Lot 4 (approximate location of existing Parcel 158), will be reconstructed to serve the existing structure on that lot. The new townhouses will be set back slightly farther than the structures on either side due primarily to an existing Potomac Edison easement along the Urbana Pike frontage. However, the townhouses do not have integral garages and this design factor results in front yards devoid of vehicular pavement. Although no public plaza or open space is required by the Zoning Ordinance, the larger front yard will provide a modest green area that will visually unify the three new townhouses. Some on-street parking is under construction, in keeping with the County's preferred street section on this segment of Urbana Pike. These spaces will serve as overflow parking for these new dwellings and for other existing structures in the vicinity.

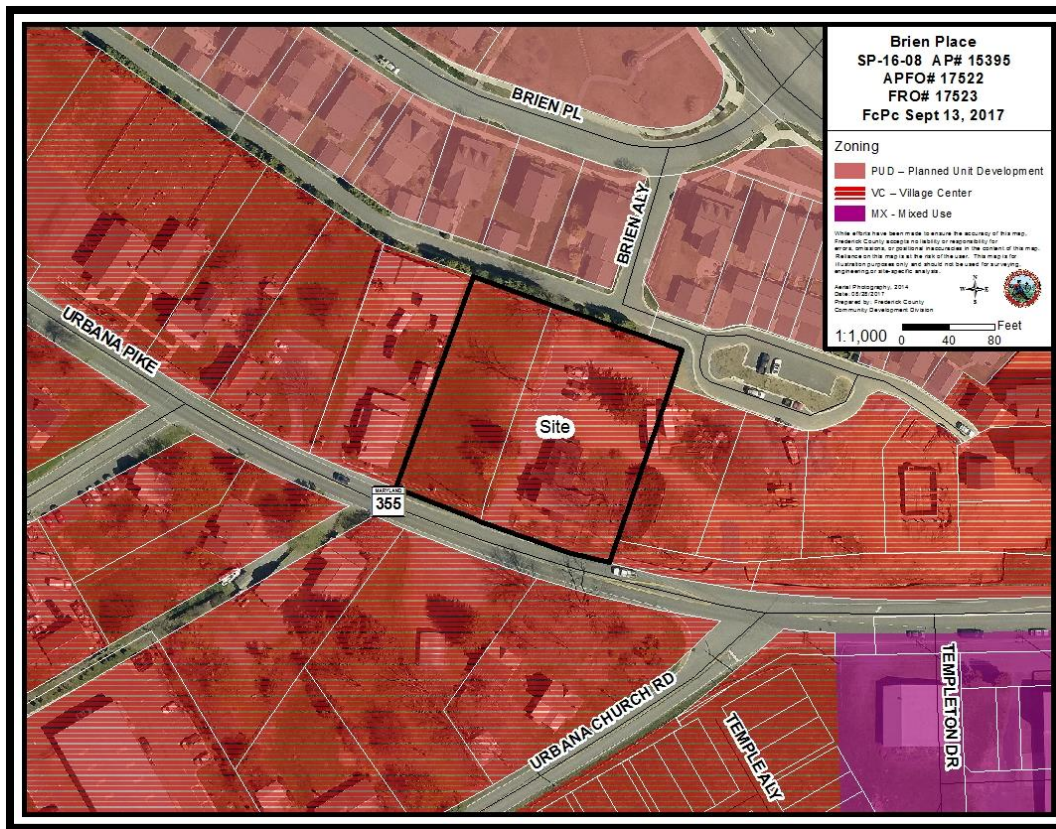


Figure 3- Zoning of site and vicinity in Urbana.

Proposed structures - from west to east within the Site (*refer to Exhibit 2-Elevation Renderings*):

New Townhouse Block (Lots 1-3) – These 2&1/2-story, 1,936 s.f. homes will face Urbana Pike and are typical of the scale and massing of townhouses constructed in Urbana in recent years. The massing of the three units approximates the width of the adjacent single-family home at 3501 Urbana Pike (66 ft. for the townhouses versus 55 ft. for the SFD). While it will be clear – even to passive viewers - that the new units are not a single house, the addition of these homes will not constitute a significant disruption to the pattern of massing that dominates the small village community in this section of Village Center in Urbana. The use of the front gable on the ‘end units’ and the dormers on the center unit provide traditional architectural elements similar to those found on many older homes in Urbana’s VC district and, in this case, serve to break up what could have been a static roofline.

Each townhouse will be served by a new ‘rear loading’ garage set at the back of the property allowing for direct access onto Brien Alley. The three 1&1/2 story garages are proposed as a row of three attached structures with capacity for two vehicles and a habitable 2nd level. Exterior stairways provide direct access from the rear yards to the 2nd level spaces in the garages. A pass-through ‘man door’ allows at-grade access to the vehicle from the rear yards. The garage structures allow the townhouses themselves to be built with narrower and shorter dimensions and the alley access eliminates the need for driveway access to Urbana Pike.

Existing Building (Lot 4/3501 Urbana Pike) – This existing single-family structure will not change in terms of architectural design as part of this Combined Preliminary/Site Plan application. The Applicant is maintaining the small paved parking area located in the rear yard and is not proposing any additional construction. The house is typical of other 19th-century wood frame structures in Urbana. The existing structure and site of Lot 4 are not subject to this Site Development Plan application. Future modifications

of this existing use and structure may require site development plan approval.

Scale and Massing

The scale of all structures shown on the Combined Preliminary/Site Plan is compatible with the general scale and form of buildings throughout Urbana's Village Center District-zoned areas. The Applicant has put forward a structure that, while broader than many of the adjacent and facing buildings in the vicinity, still manages to place three dwelling units in an architecturally complementary structure that utilizes traditional building elements such as the bay window, dual gable roof, and covered front stoop entry to meet the design requirements of the VC district.

The building footprint of the townhouse block measures just over 2,900 s.f. giving it a massing more in line with the small village chapels or larger homes on the eastern and western edges of the village center. Although slightly larger than the existing structure on P. 158 (2,878 s.f.), the new buildings' placement on the site – with a deeper front yard setback - mitigates for this size difference. However, the new Village Center construction (associated with, but not within, the PUD) is much closer to this proposed scale and the buildings will be visually anchored to the neighborhood in large part because of this newer development.

Building Footprints – Existing VC Structures in the Vicinity

3501 Urbana Pike (P. 158)	2,878 sf
8832 Urban Church Rd	1,200 sf
3504 Urbana Pike	2,100 sf
3509 Urbana Pike	2,040 sf
3514 Urbana Pike	1,780 sf
3526 Urbana Pike	1,560 sf
3528 Urbana Pike	1,400 sf
Smith Store	1,600 sf

The variety of building sizes in the immediate vicinity makes it difficult to establish a clear pattern. With the proposed structure measuring at 50% to 100% larger than seven of the closest structures, it is evident that the Applicant has taken a cue from closest existing building – 3501 Urbana Pike – which is nearly identical in overall building footprint to the proposed row of three townhouses.

The proposed building footprint was approved by the Planning Commission in the Concept Site Plan application in November 2016.



Figure 4- Aerial view toward the east

Access and Parking

The existing driveway serving the existing house will remain and be reconstructed in coordination with frontage improvements along Urbana Pike. The new townhouses will be served by Brien Alley at the rear of the site. (See Figure 5) A new bank of three attached garages will provide convenient and adequate parking for the new homes. The townhouses will be incorporated into the HOA governing the Villages of Urbana Section M-1A since the vehicular access will be across the private alley of the PUD.

Adequate parking is available for the new dwellings, utilizing the 2-car garages and parking pads. On-street parking may serve as a modest overflow area for these and other properties along Urbana Pike.

Development Density

The residential development density of this proposal is approximately 4.9 dwellings/acre (gross density at 4 DUs/0.82 acres). VC-zoned parcels may not exceed 5 dwellings per acre in a Community Growth Area per Section 1-19-7.500(B)(1). An Addition Plat was submitted to establish the combined density of Parcels 157 and 158 (new enlarged Parcel 158) and create a clear record of development rights utilized in this proposal. *The Combined Preliminary/Site Development Plan will not receive final approval until such time as the Addition Plat has been recorded.*

Upon recordation of the Addition Plan and subsequent preliminary plan subdivision, the proposed development will meet the maximum residential density established in the Village Center Zoning District.



Figure 5 - View of Site toward the south showing Brien Alley.

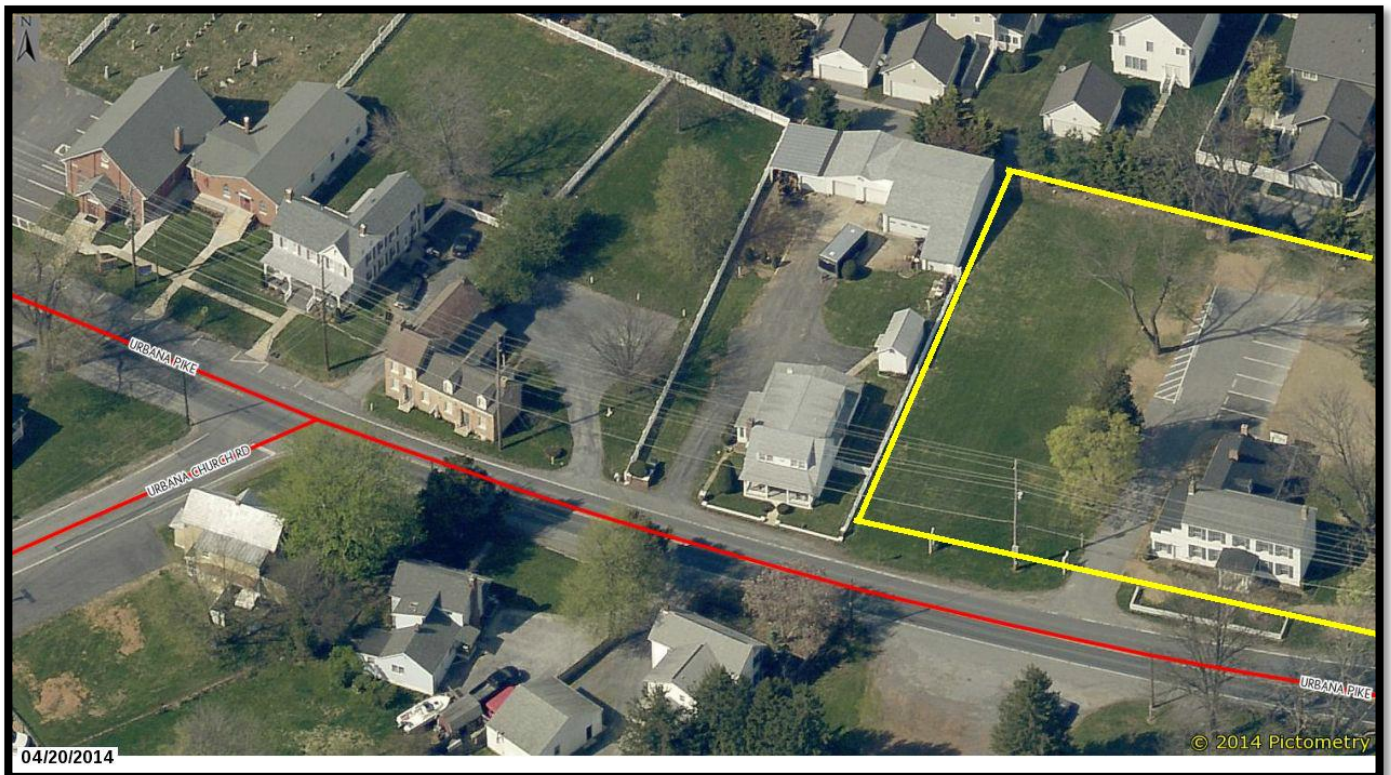


Figure 6- Aerial view toward the north showing general development density/setbacks in vicinity of Brien Place site.

Conformity with Community or Corridor Plan

No County community or corridor plan has been adopted for the Urbana Pike corridor or Urbana Community Growth Area. Generally, the proposal demonstrates adherence to the principles for compact development outlined in the County's Comprehensive Plan through seeking the expansion of a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas generally served by public infrastructure and facilities.

Mixed Uses

No mix of uses is proposed in this Combined Preliminary/Site Plan.

Public Facilities

The Applicant proposes to extend public water and sewer service to the site by constructing connection lines from the adjacent lines serving the Villages of Urbana. At such time as public water and sewer is available to the site, the private well and septic system will be properly abandoned in compliance with Health Department regulations. The Site is currently classified S-4/W-4 (proposed Lots 1-3) and S-3/W-3 (proposed Lot 4) in the County's Water and Sewer Plan. Public sidewalks across the Urbana Pike frontage are proposed in this plan and will provide points of connection to the larger pedestrian network when adjacent lots develop or redevelop.

Findings/Conclusions

At its November 9, 2016 meeting, the Planning Commission granted Concept Plan approval for this site (SP 16-08; AP#16656) finding that the application met the standards established in §1-19-7.500 (D) of the Frederick County Zoning Ordinance. The proposed Combined Preliminary/Site Development Plan conforms to the approved Concept Plan.

Detailed Analysis of Development Standards

Site Development Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** The Zoning Ordinance establishes the basis for determining dimensional standards in the VC District. Per §1-19-7.500(B)(3) the VC district provides for the establishment of dimensional standards on a site-by-site basis, using adjoining and facing buildings as a guide. The building heights (for the new structures) proposed at a maximum of 32' and no more than 2½ stories are intended to match/complement the existing houses on adjacent and facing parcels. The rendering in Figure 2 demonstrates that the Applicant has utilized the two prominent dormers on Lots 1 and 3 as a visual match for the approximate height of the existing house. When viewed from the street, the protruding gabled dormers of the townhouses will appear to more closely 'match' the height of their neighboring

structure. The proposed setbacks were calculated based on the averages of existing and facing buildings as required by the VC district provisions and will serve to reinforce a more pedestrian-friendly local streetscape. As mentioned earlier in this report, the townhouses are set back farther than necessary under normal circumstances due to the Potomac Edison easement across the site frontage. However, the proposed placement is not inconsistent with the varied setbacks of nearby existing VC structures within this section of the zoning district.

Given the nature and location of the existing surrounding and confronting structures, as well as the redesign of the public street and sidewalk, the setbacks as provided are in keeping with the guidelines of the VC district and are consistent with those requirements approved in the Concept Plan.

Townhouse Units on Lots 1-3

Maximum Height Allowed:	40 ft.
Maximum Height Proposed:	32 ft.
Front Yard Required:	15 ft. (based on average of adjacent and facing structures)
Front Yard Provided:	23 ft. (to property boundary)
Rear Yard Required:	15 ft.
Rear Yard Provided:	20 ft. (to accommodate garage driveways/parking pads)
Side Yard Required:	5 ft.
Side Yard Provided:	6-7 ft. (6' on west side; 7' on east side)
Side Yard Provided (Garage):	7 ft.

Proposed Setbacks/Building Restriction Lines (BRLs)

The *actual* setback measured for existing structures in the vicinity is calculated as the distance between the buildings and the edge of pavement. Front yard setbacks vary greatly in the immediate vicinity of this Site, as do front parcel boundaries. (See Figures 5 & 6 above). The average setback in the vicinity produces a figure of 43 feet from the edge of pavement. For means of practical comparison, the proposed townhouses will be situated 44 feet from the existing edge of pavement. The actual calculated setback for the purposes of establishing a measurement in the manner dictated by the Zoning Ordinance will be 23 feet (distance between building front and property line). The Applicant has proposed a setback (BRL) of 15 feet (37 feet from edge of existing pavement) based primarily upon the need to keep the proposed townhouse structures out of the Potomac Edison right-of-way easement. While this setback is slightly greater than ideal for residential structures in the Village Center, the setback requested, and approved with the Concept Plan, is within the range of values for adjoining and facing structures in the immediate vicinity and is consistent with the requirements of the Zoning Ordinance laid out in Section 1-19-7.500(B)(3).

Staff finds that the proposed building height and setbacks (BRLs) are consistent with Section 1-19-7.500 (B)(3) of the Zoning Ordinance.

Landscaping §1-19-6.400: The landscaping plan, which contains a variety of native and non-native plant species, provides screening and shade cover over a significant portion of the garage parking pads (50%-75%), and successfully integrates existing trees into the new landscape.

Street Trees

The Applicant has provided all of the three (3) required street trees along the 80 feet of Urbana Pike frontage (2.3 trees required @ 1 per 35 feet of frontage). The Applicant proposes the planting

of two (2) Sugar Maples within the yards of Lots 1 and 3, as well as and one (1) Hackberry in the alleyway adjacent to Lot 3 in order to meet this requirement. A Potomac Edison easement along the frontage requires the planting of a species with a more modest growth habit (3 Redbuds). Staff finds that the proposed alternative planting design provides for large shade trees on the site while allowing for the installation of situationally-appropriate trees along the frontage of the Site.

Land Use Buffering and Screening

Buffering of adjacent office and residential land uses is largely accomplished through the establishment of new plantings, including two native shade trees and several evergreen and deciduous shrubs situated along the side property boundaries of Lots 1 and 3. Inkberry shrubs provide screening of the parking pads along Brien Alley.

Parking Area Landscaping

Planting areas bracketing the garage parking pads are planted adequately given the constraints of the Site.

As proposed, the proposed Hackberry would provide canopy cover (warm-season shade) to approximately 50%-75% of the parking pads, depending upon the growth habit of the tree. The required canopy cover is 20%.

The Applicant has submitted a modification seeking approval by the Planning Commission of an alternate planting design to allow alternate street tree planting locations as proposed (see Exhibit 3).

Transportation and Parking §1-19-3.300.4 (B):

The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

1. **Access/Circulation:** The design of the proposed development relies on access via Brien Alley, at the rear of the proposed Lots 1-3. The Applicant has proposed the maintenance of one full movement driveway onto Urbana Pike serving Lot 4, which is not subject to this Site Plan review.

Pedestrian facilities in this Site Plan are limited to those proposed sidewalks providing direct access from the front doors of the townhouses to the newly constructed 5 ft.-wide sidewalk along the Urbana Pike frontage. The new Urbana Pike sidewalk will also provide access to newly delineated on-street parking spaces along the frontage of this Site.

2. **Public Transit:** The Site is not directly served by public transit, however the Urbana Park and Ride facility is located within a short walk of the Site (<800 feet) where access to commuter bus connections are available.

3. **Parking:** Section 1-19-6.220 of the Zoning Ordinance:

Required Parking Spaces

Residential – 2.5 spaces per 3-bedroom attached SFD = 8 spaces

Proposed On-Site parking Spaces – 9 spaces
three 2-car garages = 3 spaces
three 2-vehicle driveway/parking pads = 6 spaces
TOTAL: 9 spaces provided

Staff has no objection to a proposed ninth parking space where eight (8) spaces are targeted by the zoning ordinance. The ninth space in this proposal occurs as a result of the need to provide 2-vehicle driveway access to the garages facing Brien Alley.

Loading Spaces

No loading spaces are required for residential uses.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A continuous sidewalk is provided along the Urbana Pike frontage with direct connections to the new structures and to the on-street parking areas.

The Applicant has demonstrated that the Site meets the pedestrian access requirements as established by the Zoning Ordinance and other relevant codes and standards.

5. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for townhouses that include garages.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is to be served by public water and sewer infrastructure and is classified W-4; S-4 (P.157) and W-1; S-1 (P. 158) in the Frederick County Water and Sewerage Plan. Private wells and septic systems on the existing properties must be abandoned in compliance with Health Department regulations.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is relatively flat with a difference of no more than 10 feet across the parcels.
2. **Vegetation:** Most of the Site was previously developed with buildings and a driveway.

3. Sensitive Resources: There are no sensitive resources located on the site.

4. Natural Hazards: There are no natural hazards located on the site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings

An open space easement is proposed for the area encompassing the front yards of the townhouse structures to accommodate an existing Potomac Edison easement.

Townhouse Development §1-19-8.470:

Staff finds that the proposed Site Plan standards for townhouse developments – including conformance with the supplementary district regulations identified in the Village Center District Overlay Standards (§1-19-7.500) - have been met by the Applicant in this proposal.

Analysis of Subdivision Requirements

Land Requirements §1-16-217 (A): *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

Utilizing the project's combined 0.82 acres results in a gross density of 4.9 units/acre, which is consistent with the Low Density Residential land use plan designation and density guidelines contained in the Comprehensive Plan. The project as proposed meets the VC zoning district regulations.

Land Requirements §1-16-217 (B): *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The proposed subdivision occurs on previously developed land in Urbana's original village center. Adjacent to both historic structures as well as new construction in the Villages of Urbana PUD, this project serves as an appropriate infill development acknowledging and respecting existing land uses.

Preliminary Plan, Required Information §1-16-72 (B)(2): *The name of owners, and the liber and folio deed references for all adjoining property.*

With the use of the Addition Plat to combine two parcels under separate ownership (Parcels 157 & 158), the Applicant must clarify the legal owner of the combined lot.

Road Access Requirements. §1-16-12 (B): *The proposed subdivision must have access to 1 or more paved collector or higher classification road(s) either directly, or via continuous and adequate public roads, in the direction(s) determined by the Planning Commission. The road(s) which provide the most direct access route to the proposed subdivision for the closest emergency response service must also be adequate.*

The proposed subdivision will be served with access to two roadways. The townhouses will front on Urbana Pike. The portion of this roadway in front of this Site retains its status as a State collector road until it is formally conveyed to the County, as were the segments north and south of this location. The distance from the centerline of Urbana Pike to the front doorways of the townhouse units ranges from 56 feet to 58 feet. Vehicular access to the rear detached garages occurs via Brien Alley, a private looped lane in the Villages of Urbana PUD. Brien Alley connects to Brien Lane which feeds local traffic onto Sugarloaf Parkway and Worthington Boulevard (MD 355). Road access is adequate to serve the proposed subdivision.

Street, Common Driveway, and Sidewalk Construction. §1-16-109. The Plan includes sidewalks, 5-ft. in width, along Urbana Pike, and in the approved configuration presented in the Concept Plan approved in 2016. Sidewalk segments – 4 feet in width and approximately 25 feet in length – provide direct pedestrian connections to each townhouse from Urbana Pike. A similar segment of brick sidewalk connects the existing house to the Urbana Pike pedestrian network.

Lot Size and Shape. §1-16-219 (A): *The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.*

The proposed development is located on property zoned VC, Village Center. As provided in Section 1-19-6.100 of the Zoning Ordinance, the design and dimensional requirements in the VC zoning district are established at Concept Plan by the Planning Commission utilizing the dimensional characteristics of adjoining and confronting lots and structures in the VC (Refer to previous discussion on Pages 10-11 and Section 1-19-7.500(B)(2) & (3) of the Zoning Ordinance).

Proposed lots in the Brien Place Subdivision range in size from 3,953 square feet to 21,577 square feet. All of the proposed lot dimension elements conform to the requirements of the Zoning Ordinance.

Water and Sewer Facilities. Public Facilities §1-16-12 (C): *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a current water and sewer classification of W-4, W-1, and S-4, S-1, and must obtain approval of a Water and Sewerage Plan amendment from Frederick County and the Maryland Department of the Environment for water and sewer reclassification in order to connect to the public water and sewer systems. The Applicant must correct the note on Sheet 1 of the plan to indicate the correct Water and Sewer designations for this Site.

Parks. §1-16-111:

No park land dedication is required for subdivisions containing fewer than 60 residential lots.

Subdivision Regulation Requirements Findings/Conclusions:

The project will meet all Subdivision Regulation requirements once all agency comments and conditions have been resolved.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the Combined Preliminary/Site Development Plan meets the Development Standards within the VC zoning district. Staff also finds that the application meets the site plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas, as well as those criteria established for Preliminary Subdivision Plans in Chapter 1-16 Subdivision Rules and Regulations.

Other Applicable Regulations

APFO – Chapter 1-20:

Schools – This project has fewer than six dwelling units and is exempt from APFO schools testing.

Water and Sewer - The Property has water and sewer classification of W-4/S-4 & W-1/S-1 in the County's Master Water and Sewer Plan. Connection to public water and sewer facilities is required prior to the issuance of building permits for the Townhouse Lots 1-3 on the Site.

Roads – This project will generate less than six trips during the peak hour and is exempt from APFO testing and consideration.

Forest Resource – Chapter 1-21:

The Applicant has submitted a Combined Preliminary/Final FRO plan (FRO AP 16921), which has been approved. The site does not contain any forest. The required 0.17 acre afforestation mitigation has been provided with a fee-in-lieu payment of \$3,184.24 (*current rate is \$0.43 per square foot; 0.17 acres x \$0.43/s.f. = \$3,184.24.*).

The site does contain one specimen tree; a 48" White Ash. This tree is in very poor condition. Cables were attached to the tree at some point in the past to address a health issue. The tree is half dead with significant crown dieback that is likely the result of Emerald Ash Borer infestation. If the tree falls it may land on the existing structure, Urbana Pike, and the powerlines. Since this tree is deemed a hazardous tree its removal was approved by Staff.

Historic Preservation – Chapter 1-23:

No existing historic or cultural resource is adversely affected by the proposed Combined Preliminary/Site Plan. The site proposed for the new townhouses is identified as the former location of a small 19th century house and shed which was listed as a non-contributing structure on the Maryland Inventory of Historic Places inventory form F-7-63 prior to its demolition at some point prior to 2011.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
<i>Development Review Engineering (DRE):</i>	Conditionally Approved
<i>Development Review Planning:</i>	Hold
<i>State Highway Administration (SHA):</i>	Waived
<i>DUSWM</i>	Hold (<i>pending correction of W/S Plan Note #8</i>)
<i>Historic Preservation</i>	Approved
<i>Forest Resource (FRO)</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>Street Naming</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>APFO</i>	Conditionally Approved

RECOMMENDATION

Staff has no objection to conditional approval of the proposed Combined Preliminary/Site Development Plan and requested modifications. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and will therefore expire September 13, 2020. The Preliminary Subdivision Plan is valid for a period of five (5) years from the date of Planning Commission approval and will therefore expire September 13, 2022. Based on the discussion in this report and with the conditions and modifications listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the following conditions are met:

1. Prior to signature approval of this Combined Preliminary/Site Development Plan, an Addition Plat(AP#17524) must be approved, recorded and liber folio added to the Combined Preliminary/Site Development Plan to establish the combined density of Parcels 157 and 158 and create a clear record of development rights utilized in this proposal.
2. Approval by the Planning Commission of an alternate landscaping plan to allow alternate street tree planting as proposed.
3. The Combined Preliminary/Site Development Plan must indicate the correct ownership of the combined Parcel 158.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Combined Preliminary/Site Development Plan #SP16-08 (AP-17521) with requested modifications, and including APFO approval (AP-17522), for the proposed **Brien Place** with conditions as specified in the Staff Report.

EXHIBITS 1 & 2 – Project Renderings



BRIEN PLACE LOTS 1, 2 & 3 ILLUSTRATIVE PLAN

RODGERS
CONSULTING

Naieli Communities
PROJECT PLANNING
ATTENTION TO DETAIL



P. 158, 157
Oct 2016

Brien Place Concept Massing

DEVELOPER/OWNER
Monocacy Land Company, LLC
c/o: Natelli Communities
506 Main Street, 3rd Floor
Gaithersburg, Maryland 20878
Phone: (301) 670-4020

July 6, 2017

Denis Superczynski
Frederick County Development Review Planning
30 North Market St.
Frederick, MD 21701

Re: Brien Place
Preliminary/Site Plan
Second Submittal
SP1608, A/P 17521

Dear Denis,

On behalf of Monocacy Land Company we herein submit this request for a landscape modification for Brien Place.

§ 1-19-6.400 LANDSCAPING AND SCREENING.

In accordance with the site plan review process the Planning Commission may require landscaping, screening, and buffering along the property line and around and within the parking areas. Landscaping, screening, and buffering shall be provided in conformance with the following minimum standards:

(A) Street trees. *Street trees shall be provided along the property line adjacent to the paved surface of an existing or proposed public right of way in a planting area no less than 7 feet wide, and planted with shrubs or trees in accordance with the following minimum standards:*

- (1) One tree at least 6 feet in height at the time of planting shall be provided per 35 feet of roadway frontage.*
- (2) An alternate on-site location for trees may be approved by the Planning Commission or Planning Commission authorized representative when a specific finding is made that the alternate location is required due to:*

(a) Physical site constraints

(l) The Planning Commission may modify the minimum landscaping, buffering, and screening standards where a specific finding is made that the required standards result in a practical difficulty, and where an alternate landscaping, buffering, and screening plan is approved by the Planning Commission.

The modification request is to modify the five required street trees on Urbana Pike. The modification is requested because of existing power lines, poles, street lights, driveways and site distance out of the 3501 Urbana Pike existing driveway. Redbuds are proposed since the street trees are located under existing power lines. One redbud is proposed in the county R/W with this application, one is existing per A/P 15051 and two are set back on residential lots proposed with this application.

As always your assistance in the processing of this application is greatly appreciated. Should you have questions regarding this plan please feel free to contact us.

Sincerely,
Rodgers Consulting, Inc.



Mike Peterson, PLA
301-948-4700 (Office)
mpeterson@rodgers.com

19847 Century Blvd., Suite 200, Germantown, MD 20874 • 301.948.4700 • 301.948.6256 (fax) • www.rodgers.com

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Exhibit 3 1Modification Request - Alternate Planting Design

Brien Place – Combined Preliminary/Site Development Plan

September 13, 2017

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